

# THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	CANON KABUSHIKI KAISHA	
Attorney:	YANG Guoxu	Date of Notification:
Application No.:	95107379.6	Date: 08 Month: 10 Year: 1999
Title of the Invention:	Image-Forming Apparatus and Manufacture Method of the Same	



## Notification of the First Office Action

1. ☒ The applicant requested examination as to substance on Jun. 9, 1995 and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").  
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):  
 filed in JP on Jun. 9, 1994, filed in JP on May 30, 1995,  
 filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_,  
 filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_,  
☒ The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.  
☐ The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.  
☐ The application is a PCT continuation.
3. ☐ The applicant submitted amendments to the application on \_\_\_\_\_ and on \_\_\_\_\_, wherein the amended \_\_\_\_\_ submitted on \_\_\_\_\_ and the amended \_\_\_\_\_ submitted on \_\_\_\_\_ are not acceptable, because said amendments do not comply with ☐ Article 33 of the Patent Law.  
☐ Rule 51 of the Implementing Regulations of the Patent Law.  
 The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4. ☒ Examination as to substance was directed to the initial application documents as filed.  
☐ Examination as to substance was directed to the documents as specified below:  
 claims \_\_\_\_\_, pages \_\_\_\_\_ of the description and drawings \_\_\_\_\_ filed on the date of filing,  
 claims \_\_\_\_\_, pages \_\_\_\_\_ of the description and drawings \_\_\_\_\_ submitted on \_\_\_\_\_,  
 claims \_\_\_\_\_, pages \_\_\_\_\_ of the description and drawings \_\_\_\_\_ submitted on \_\_\_\_\_,  
 and the abstract submitted on \_\_\_\_\_.
5. ☐ This Notification is issued without search reports.  
☒ This Notification is issued with consideration of the search results.  
☒ Below is/are the reference document(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

MOON 100735 95  
 100735 95  
 100735 95

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	WO88/01098	Date: <u>11</u> Month: <u>02</u> Year: <u>1988</u>
2	EP0451362	Date: <u>16</u> Month: <u>10</u> Year: <u>1991</u>
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

☐ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) \_\_\_\_\_ is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 1,2,3,4,7,8 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☒ The applicant should make amendments as directed in the text portion of the Notification.
- ☐ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

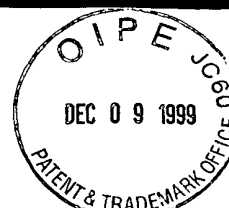
9. This Notification contains a text portion of 2 pages and the following attachments:

- ☒ 2 cited reference(s), totaling 13 pages. ☐

Examination Dept. 3

Examiner: \_\_\_\_\_

Seal of the Examination Department



## TEXT OF THE FIRST OFFICE ACTION

In claim 1, the expression “ a side of said outer frame that is positioned across an imaginary extension of said flat-plate spacer in the longitudinal direction thereof ” is not clear. According to the description, the examiner considers that it means a side of said outer frame that is perpendicular to the extending direction of the longitudinal axis of said flat-plate spacer parallel to said face plate and said rear plate. Thereby, the comments are set forth as follows.

1. Claim 1 does not possess inventiveness, and does not meet the requirements of Article 22.3 of the Chinese Patent Law. Reference 1 disclosed a display panel which includes a face plate 12, a backing plate 13, and spacers 27 provided between the face plate 12 and the backing plate 13 to function to resist the pressure caused by vacuum on the face plate 12 and the backing plate 13, wherein fluorescent material is formed on the face plate 12, the backing plate 13 is provided with cathodes consisting of field emitters ( see page 5 line 7-17, page 7 line 30-32, page 8 line 25-34, Fig. 1-3 ). Although reference 1 does not definitely mention the outer frame surrounding the periphery of the backing plate and the face plate, the technicians in this field will understand that such display panel necessarily has said outer frame, which is, for instance in Fig 2 of reference 1, the portion on the upper side of face plate 12, parallel to the spacers 27, and perpendicular to the main part of the face plate 12. Therefore, comparing claim 1 with reference 1, the difference thereof is only the feature relating to the vent tube. However, reference 2 disclosed a plasma display panel, which similarly has a vacuum enclosure consisting of a back member 1, a front member 3, and a deposit of glass 6 provided around the back and front members 1 and 3, wherein a plurality of insulating partitions 5 are provided on the front panel 3, a glass tube 7 is connected to a gas port 2 and provided at a corner of the back member 1, and therefore adjacent to one side of the rectangular glass frame 6 perpendicular to the extending direction of the insulating partitions 5, for introducing gas into the enclosure or discharging it therefrom. Reference 2 has also cue that the gas port 2 can also be arranged on the front member ( see column 1, lines 12-35, column 8, line 47- column 9, line 9 of the description and figures 1-3 ). References 1 and 2 both relate to display panels, the construction of the enclosures thereof are substantively the same, both are vacuum enclosures, and therefore both need the vacuuming process during manufacture, and both have partitions therein ( 27 and 5 ). Therefore, it is obvious to those skilled in the art

to obtain the technical solution sought to be protected in claim 1 on the basis of reference 1 in association with reference 2, i.e., arrange on the back member 13 of reference 1 a gas tube as the glass tube 7 on the back member 1 of reference 2. And such association does not produce any unexpected technical effects. Therefore, claim 1 does not possess prominent substantive features and present no notable progress, accordingly does not possess inventiveness.

In addition, in case the frame is high enough, the function of arranging the gas tube on the frame will be the same as that of arranging the gas tube on the back member, with the effect of discharging gas being substantially the same. Therefore, it is also obvious to those skilled in the art to choose to arrange the gas tube on the frame on the basis of references 1 and 2 in practice. Therefore, even if the applicant only retains the solution of arranging the gas tube on the frame, it is useless to the inventiveness of this application.

2. As mentioned above, there are a plurality of partitions ( 27 and 5 ) in references 1 and 2. Also, references 1 and 2 have disclosed the arranging of a plurality of gas tubes 2, such as the solution of arranging four gas tubes in adjacency to the four corners of the display panel ( the frame 6 of this display panel is rectangular as shown in figure 1 ) . Thus it can be seen that all the additional features of claims 2,3 and 4 have been disclosed in references 1 and 2. Therefore, claims 2,3 and 4 also do not possess inventiveness.

3. On the basis of references 1 and 2, to substitute the field emission type electron-emitting devices of reference 1 with surface conduction electron-emitting devices is only an equivalent substitution using prior devices having the same function, and does not bring any unexpected effect. Therefore, claim 7 also does not possess inventiveness.

4. Claim 8 is a method claim corresponding to claim 1. So for the same reasons as in Item 1 of this Action, claim 8 does not possess inventiveness.

5. The applicant should combine the present claims 1, 4 and 5 to draft a new independent claim, and note to avoid the unclear expression in the present claim 1. It is suggested to amend claim 6 as a dependent claim of the new independent claim.

6. After amending the claims according to the above comments, the applicant should correspondingly amend the title, technical field, invention objects, and

summary portions, so as to meet the requirements of Rule 18.1(1),(2),(4),(5) of the Implementing Regulations.

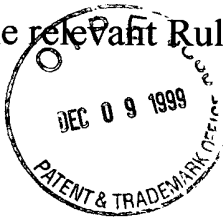
Owing to the above reasons, this application cannot be patented according to the present version. If the applicant amends the application documents according to the comments set forth in this Action so as to overcome the existing defects, the examination will be expedited. Otherwise, this application will be finally rejected. The applicant should note that the amendments to the application documents should meet the requirements of Article 33 of the Chinese Patent Law, i.e., may not go beyond the scope of disclosure contained in the initial description and claims.

## COMMENT OF ATTORNEY

As seen in the Action,

The technical features of claims 1-4,7 and 8 are all disclosed in references 1 and 2. It is suggested by the examiner to draft a new independent claim on the basis of claims 1, 4 and 5, and amend claim 6 as a dependent claim of the new independent claim.

The relevant Rules and Articles are cited in the Attachment.





## ATTACHMENT

Article 22. Any invention or utility model for which patent right may be granted must possess novelty, inventiveness and practical applicability.

Novelty means that, before the date of filing, no identical invention or utility model has been publicly disclosed in publications in the country or abroad or has been publicly used or made known to the public by any other means in the country, nor has any other person filed previously with the Patent Office an application which described the identical invention or utility model and was published after the said date of filing.

Inventiveness means that, as compared with the technology existing before the date of filing the invention has prominent substantive features and represents a notable progress and that the utility model has substantive features and represents progress.

Practical applicability means that the invention or utility model can be made or used and can produce effective results.

Article 33. An applicant may amend his or its application for a patent, but the amendment to the application for a patent for invention or utility model may not go beyond the scope of the disclosure contained in the initial description and claims, and the amendment to the application for a patent for design may not go beyond the scope of the disclosure as shown in the initial drawings or photographs.

# 中华人民共和国国家知识产权局

邮政编码: 100037

北京市阜成门外大街 2 号 8 层  
中国国际贸易促进委员会专利商标事务所  
杨国旭

3101  
审查员



申请号: 95107379.6	部门及通知书类型: 3--D	发文日期:
代理人: 杨国旭		
申请人: 佳能株式会社		
发明名称: 图象形成装置及其制造方法		



## 第一次审查意见通知书

1. ☒ 申请人于 1995 年 6 月 9 日 提出了实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP	专利局的申请日	1994 年 6 月 9 日	为优先权日,
JP	专利局的申请日	1995 年 5 月 30 日	为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,
	专利局的申请日		为优先权日,

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。

3. ☐ 申请人于\_\_\_\_年\_\_月\_\_日和\_\_\_\_年\_\_月\_\_日提交了修改文件,

经审查, 其中: \_\_\_\_年\_\_月\_\_日提交的\_\_\_\_不能被接受;

\_\_\_\_年\_\_月\_\_日提交的\_\_\_\_不能被接受;

因为上述修改 ☐ 不符合专利法第 33 条的规定。 ☐ 不符合实施细则第 51 条的规定。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始申请文件进行的。

☐ 审查是针对下述申请文件进行的:

申请日提交的原始申请文件的权利要求第\_\_\_\_项、说明书第\_\_\_\_页、附图第\_\_\_\_页;

\_\_\_\_年\_\_月\_\_日提交的权利要求第\_\_\_\_项、说明书第\_\_\_\_页、附图第\_\_\_\_页;

\_\_\_\_年\_\_月\_\_日提交的权利要求第\_\_\_\_项、说明书第\_\_\_\_页、附图第\_\_\_\_页;

\_\_\_\_年\_\_月\_\_日提交的说明书摘要。

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
2201 99.1

(注: 凡寄给审查员个人的信函不具有法律效力)



编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	W088/01098	88年2月11日
2	EP0451362	91年10月16日
3		年 月 日
4		年 月 日

6. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第5条规定的不授予专利权的范围。
- ☐ 说明书不符合专利法第26条第3款的规定。
- ☐ 说明书的撰写不符合实施细则第18条的规定。

☒ 关于权利要求书:

- ☐ 权利要求\_\_\_\_属于专利法第25条规定的不授予专利权的范围。
- ☐ 权利要求\_\_\_\_不符合实施细则第2条第1款关于发明的定义。
- ☐ 权利要求\_\_\_\_不具备专利法第22条第2款规定的新颖性。
- ☒ 权利要求1, 2, 3, 4, 7, 8不具备专利法第22条第3款规定的创造性。
- ☐ 权利要求\_\_\_\_不具备专利法第22条第4款规定的实用性。
- ☐ 权利要求\_\_\_\_不符合专利法第26条第4款的规定。
- ☐ 权利要求\_\_\_\_不符合专利法第31条第1款的规定。
- ☐ 权利要求\_\_\_\_不符合实施细则第20条至第23条的规定。
- ☐ 权利要求\_\_\_\_不符合专利法第9条的规定。
- ☐ 权利要求\_\_\_\_不符合实施细则第12条第1款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☒ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☐ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
- ☐

8. 申请人应注意下述事项:

- (1) 根据专利法第37条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第33条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有2页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共2份 13页。

☐

## 第一次审查意见通知书正文

权利要求 1 中“所述外框架位于跨越...的一边”表述不清楚, 根据说明书记载的内容, 审查员理解其是指所述外框架与所述平板隔片的平行于所述面板和后板的<sup>纵轴方向</sup>延伸方向相垂直的一边, 并在此基础上提出下面的审查意见。

1. 权利要求 1 不具备创造性, 不符合专利法第 22 条第 3 款的规定。对比文件 1 公开了一种平板显示器, 该显示器具有前板 12、后板 13, 和设置在前板 12 和后板 13 之间起抵抗由真空造成的施加在面板 12 和后板 13 上的压力作用的多个隔板 27, 前板 12 上形成有荧光物质, 后板 13 上带有由场发射体构成的阴极 (第 5 页 7-17 行, 第 7 页 30-32 行, 第 8 页 25-34 行, 图 1-3)。尽管对比文件 1 没有明确述及包围后板和面板周边的外框架, 但所属技术领域的技术人员能够理解这种平板显示器必然存在所述外框架, 该外框架例如是对比文件 1 的图 2 中面板 12 上侧与隔板 27 平行而与面板 12 的主体垂直的部分。因此, 权利要求 1 与对比文件 1 相比, 差别仅在于权利要求 1 中有关排气管的部分。然而对比文件 2 公开了一种等离子体显示板, 该显示板同样具有由后板 1、前板 3 和设置在后板 1 和前板 3 周边部分的玻璃 6 构成的真空外壳, 多个绝缘挡板 5 设置在前板 3 上, 玻璃管 7 与气口 2 相通, 设置在后板 1 的一角, 因而靠近矩形玻璃边框 6 与绝缘挡板 5 延伸方向相垂直的一边, 用于向外壳通入气体或从外壳排出气体, 对比文件 2 还提示可以将气口 2 设置在前板上 (图 1-3, 说明书第 1 栏 12-35 行, 第 8 栏 47 行-第 9 栏 9 行)。对比文件 1 和 2 均为平板显示器, 其外壳构造大致相同, 均为真空外壳, 因而在制造过程中都需要经过抽真空的过程, 并且外壳内同样具有隔板 (27 和 5), 因此在对比文件 1 的基础上结合对比文件 2, 即在对比文件 1 的后板 13 上设置如对比文件 2 中后板 1 上的玻璃管 7 那样的排气管, 从而得到权利要求 1 所要求保护的技术方案, 对所述技术领域的技术人员来说是显而易见的, 而且两者的结合没有产生预料不到的技术效果, 因此权利要求 1 不具备突出的实质性特点和显著的进步, 因而不具备创造性。

此外, 由于在边框足够高的情况下排气管设置在其上与排气管设置在后板上所起的作用相同, 排气效果也大致相同, 因此对于所属技术领域的技术人员来说, 在对比文件 1 和 2 的基础上根据实际情况选择将排气管设置在边框上同

样是显而易见的, 因此即使申请人在权利要求 1 中只保留排气管设置在边框上的方案, 也仍然无助于其创造性的确立。

2. 如上所述, 在对比文件 1 和 2 中隔板 (27 和 5) 都存在多个, 此外对比文件 2 还公开了设置多个排气口 2, 例如在显示板 (该显示板的边框 6 如图 1 所示是矩形的) 的四个角部附近设置四个排气管的技术方案。由此可见权利要求 2、3、4 的附加技术特征均已被对比文件 1 和 2 公开, 因此权利要求 2、3、4 同样不具有创造性。

3. 在对比文件 1 和 2 的基础上, 并用表面传导电子发射装置代替对比文件 1 中的场发射型电子发射装置只是利用具有同样功能的已有装置进行的等效替换, 而且没有带来预料不到的效果, 因此权利要求 7 同样不具有创造性。

4. 权利要求 8 是与权利要求 1 相应的方法权利要求, 因此与第 1 点审查意见的理由相同, 权利要求 8 也不具有创造性。

5. 申请人应当将目前的权利要求 1、4、5 结合, 撰写新的独立权利要求, 注意避免目前权利要求 1 中的上述不清楚。将权利要求 6 改写为新的独立权利要求的从属权利要求。

6. 在按照上述审查意见修改权利要求后, 申请人应对发明名称、发明所属技术领域、发明目的、技术方案等部分做适应性修改, 使之符合实施细则第 18 条第 1 款第 (一)、(二)、(四)、(五) 项的规定。

基于上述理由, 该申请按照目前的文本还不能被授予专利权。如果申请人按照本通知书提出的审查意见对申请文件进行修改, 克服所存在的缺陷, 则可望加快审查, 否则该申请将被驳回。请申请人注意, 对申请文件的修改应当符合专利法第 33 条的规定, 不得超出原说明书和权利要求书记载的范围。

审查员: 3101

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